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TO

Provide for Superannuation Allowances to certain Local Officers and Servants in Ireland, and for Contributions towards such Allowances by such Officers and Servants ; and to make other relative provisions.

A.D. 1902.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 1. This Act may be cited as the Poor Law Officers' Superannuation (Ireland) Act, 1902, and shall come into operation on the *first day of October one thousand nine hundred and three.*

Short title
and com-
mencement
of Act.

2. Subject to the provisions of this Act, every officer and servant of the guardians of a union who shall become incapable
10 of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, or who shall have attained the age of *sixty years* and completed an aggregate service of *forty years*, or who shall have attained the full age of *sixty-five years*, shall, without prejudice to any existing rights
15 which he may have under section one hundred and fifteen of the Local Government (Ireland) Act, 1898, be entitled on resigning his office or employment, to receive during life out of the common fund of the union a superannuation allowance according to the scale laid down in this Act.

Title of
officers and
servants to
superannua-
tion.

- 20 An officer or servant shall not be entitled to an allowance on the ground of old age unless he has completed the full age of *sixty years*.

- Where an officer or servant has attained the age of *sixty-five years*, and the guardians are of opinion that it would be expedient
25 in the interests of the public service that he should cease to hold his office or employment, it shall be competent for them to require

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A.D. 1902. him to retire upon payment to him of the superannuation allowance to which he may be entitled under this Act.

Scale of
superannua-
tion allow-
ances.

3. The scale for superannuation allowances under this Act shall be as follows, that is to say :—

An officer or servant who has served for *ten years* not less 5 than *eleven*, shall be entitled to an annual allowance of *ten-sixtieths* of the average amount of his salary or wages and emoluments during the *five years* ending the last day of the local financial year which immediately precedes the day on which he ceases to hold his office or employment, with an 10 addition of *one-sixtieth* of such average amount for every additional completed year of service until the completion of a period of service of *forty years*, when a maximum allowance of *forty-sixtieths* shall be granted.

Reckoning
service.

4. All service by an officer or servant under any authority or 15 authorities to whom this Act applies shall be aggregated and reckoned for the purposes of this Act, whether the service has been continuous or not, and whether his whole time has been devoted to the service or not.

Power to add
a number of
years in
certain cases.

5. The guardians, in computing the amount of superannuation 20 allowance to any officer or servant may, in consideration of peculiar professional qualifications, or of special circumstances, and with the consent of the Local Government Board, add a number of years not exceeding ten to the number of years which the officer or servant has actually served in the aggregate. 25

Case of
subsequent
appointment

6. Where a person in receipt of a superannuation allowance 30 under this Act is appointed to any office or employment by any authority to whom this Act applies, such allowance shall cease to be paid so long as he continues to hold such office or employment, if the salary or wages and emoluments thereof are equal to, or in excess of, the amount of such allowance, if they are not, then only 30 so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Any such person so ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of 35 his original superannuation allowance from the authority which granted it.

Forfeiture
for mis-
conduct.

7. Any officer or servant who is dismissed or resigns or 40 otherwise ceases to hold office in consequence of misconduct shall forfeit all claims to any superannuation allowance under this Act

in respect of his previous service, provided that in the case of any such officer or servant the guardians may, if they see fit, return to him out of the common fund of the union a sum equal to the amount of all or part of his contributions under this Act.

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- 5 8. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment for any other cause whatever than his own misconduct or voluntary resignation, shall be entitled to receive, out of the common fund of the union, a sum equal to the amount of all his contributions to
10 any such fund under this Act; but if he claims under this section, and subsequently obtains a fresh office or employment, he shall not be entitled to reckon his service before obtaining such fresh office or employment towards a superannuation allowance under this Act, unless upon obtaining such fresh office or employment he pays the
15 amount so received to the common fund of the authority under whom he obtains such fresh office or employment.

Return of contributions, and power to grant gratuities and superannuation in certain cases.

- In any such case of loss of office or employment as aforesaid, the guardians may also, if they see fit, with the sanction of the Local Government Board, grant to the officer or servant a gratuity,
20 payable out of the common fund of the union, not exceeding twice the amount of his salary or wages and emoluments during the last local financial year which immediately precedes the day on which he ceases to hold his office or employment.

- Provided that when such loss of office or employment occurs in a
25 case in which the death, resignation, or insanity of one of the holders of a joint appointment vacates the office of the other, the officer or servant whose office or employment is so vacated, shall, unless he is re-appointed by the guardians, and except where, in the case of husband and wife, the joint appointment is terminated
30 owing to the misconduct of one of them, be entitled to receive during life, out of the common fund of the union, a superannuation allowance, according to the scale laid down in this Act, if such officer or servant has attained the age of *fifty years*, or has served for not less than *twenty years*.

- 35 9. At least *one month's* notice in writing shall be given to every guardian of the time at which a proposal to do any act or take any step under this Act will be considered.

Notice of proposed proceedings under Act.

10. Every superannuation allowance granted under this Act shall be payable to or in trust for the officer or servant, and shall
40 not be assignable or chargeable with his debts or other liabilities.

Allowance not assignable.

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Obligations
of officers
and servants
to contribute.

11. Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union shall contribute annually for the purposes of this Act a percentage amount of his salary or wages and emoluments, according to the scale laid down by this Act, such amount to be from time to time deducted from the salary or wages payable to him, and to be carried to and form part of the common fund of the union.

Scale of
contribu-
tions.

12. The percentage amounts to be deducted annually for the purposes of this Act shall be as follows, that is to say:—

In the case of officers and servants with less than *five years* service, *two per cent.* of the salary or wages and emoluments for each year:

In the case of officers and servants with more than *five* and less than *fifteen years'* service, *two and a half per cent.* of the salary or wages and emoluments for each year:

In the case of officers and servants with more than *fifteen years'* service, *three per cent.* of the salary or wages and emoluments for each year.

Savings for
existing
officers and
servants.

13. The Union Officers' Superannuation (Ireland) Act, 1865, shall no longer apply to any officer or servant to whom this Act applies, but any such officer or servant may, notwithstanding anything in this Act contained, at any time within *three months* after the passing of this Act, signify in writing to such authority his intention not to avail himself of the provisions of this Act, and in that event it shall not be obligatory upon him, notwithstanding anything in this Act contained, to make any contributions or submit to any deduction from his salary or wages under this Act, nor shall he be entitled to receive any superannuation allowance, gratuity, return of contributions, or other benefit under this Act.

Any such officer or servant who has given such notice as aforesaid shall remain, subject to the provisions of the said Act, as if this Act had not been passed.

Fees to be
brought into
common
fund.

14. Any officer or servant to whom this Act applies, and who is remunerated wholly or partly by fees, shall pay annually the due percentage amount out of his fees to the authority in whose service or employment he is, at the time or times prescribed by such authority respectively, and such amounts shall be carried to and form part of the common fund of that authority.

Every such officer or servant shall make annually in the month of April to the authority in whose service or employment he is a

return of the amount of fees received by him as such officer or servant during the local financial year immediately preceding, and the amount so returned shall be taken as the basis upon which the percentage deduction in such cases shall be made and the superannuation allowance shall be calculated: Provided that such annual return shall be verified by a statutory declaration under the Statutory Declarations Act, 1835, that such return is true and correct in every particular.

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15. In this Act, unless the context otherwise requires—

Definitions.

“Guardians” means the boards of guardians charged with the administration of the Irish Poor Relief Acts;

“Union” means the area in which the guardians, as above defined, administer the said Poor Relief Acts;

“Local financial year” has the same meaning as in the Local Government (Ireland) Act, 1898;

“Rural district council” shall have the same meaning as in the Local Government (Ireland) Act, 1898;

“Common fund” means the fund out of which the salaries of the officers and servants to whom this Act applies are paid;

“Officer” means and includes every officer in the service of an authority to whom this Act applies, whether his whole time is devoted to the duties of his office or not;

“Servant” means and includes every servant regularly employed at wages by any authority to whom this Act applies;

“Emoluments” includes all fees, poundage, and other payments made to any officer or servant as such for his own use, and the money value of any apartments, rations, or other allowances in kind appertaining to his office or employment;

“Joint” appointment includes any office the tenure whereof is determined by the death, removal, resignation, or incapacity of the holder of another office under the same authority.

16. The provisions of this Act shall apply to rural district councils, and to their officers and servants, in like manner as nearly as may be as they apply to guardians and to the officers and servants of guardians; and the contributions of the officers and servants of such councils shall be carried to and form part of the common funds of such councils, and the superannuation allowances

Application of Act to other authorities.

